

REMARKS

Claims 19-34 are currently pending in the application. No amendments will have been made to the claims. No new matter has been entered.

Accordingly, reconsideration and withdrawal of the pending rejections are requested in view of the accompanying remarks.

Acknowledgement of Cited Items

Applicant notes with appreciation the Examiner's consideration of the documents cited in the Information Disclosure Statement filed on November 27, 2006 by the return of the initialed and signed copy of the PTO-1449 Form accompanying the Information Disclosure Statement.

Drawings

As neither the Examiner nor the Patent Office Draftsperson has objected to the originally submitted drawings, Applicant understands that these drawings are acceptable.

Interview with Examiner Darwin P. EREZO

Applicant wishes to thank Examiner EREZO for his courtesy and cooperation during the interview conducted on January 22, 2007.

During the above-noted interview, Applicants' representative discussed with the Examiner that Applicant intended to file Declarations under 37 C.F.R. § 1.131 to establish conception of the Applicant's claimed invention prior to April 14, 2003 (the filing date of US Publication Patent Application No. US 2004/0204740 issued to WEISER).

The Examiner responded positively to the above-noted filing of the Declarations by indicating that the application may be in condition for allowance if the above-proposed Declarations were made of record.

35 U.S.C. §103 REJECTIONS ARE BELIEVED MOOT

1. *Over WEISER in view of BAKER*

Applicant submits the Examiner's rejection of claims 19-25 and 27-32 under 35 U.S.C. § 103(a) as being unpatentable over WEISER (US Publication Patent Application No. US 2004/0204740) in view of Baker *et al.* (US Patent No. 5,979,450) (hereafter "BAKER") is moot in view of Applicant's Declaration under 37 C.F.R. § 1.131. Presently, Applicant submits the Declarations meet all the requirements under 37 C.F.R. § 1.131, 37 C.F.R. § 1.47 and MPEP 715.04, and thus are effective to antedate the WEISER reference.

2. *Over WEISER in view of BAKER in further view of LEBNER*

Applicant also notes that, the preceding statements in this section are also applicable to the rejection of claims 26, and 33-34 in numbered paragraph 6 of the instant Office Action. Applicant submits the Examiner's rejection of claims 26 and 33-34 under 35 U.S.C. § 103(a) as being unpatentable over WEISER in view of BAKER and in further view of LEBNER (US Patent No. 6,329,564) is moot in view of Applicant's Declaration under 37 C.F.R. § 1.131 for the reason discussed above.

Accordingly, Applicant requests that the Examiner reconsider and withdraw the rejection of the claims 19-34 under 35 U.S.C. § 103 (a) and indicate that these claims are allowable.

A. Due Diligence

Applicant submits that the concurrently filed Declarations are sufficient to establish due diligence, from April 14, 2003 to July 24, 2003 and thus are effective to overcome the WEISER reference.

While drafting of this application numerous discussions between the inventor and patent counsel were required until a draft of the application was forwarded to the inventor. Thus, Applicant respectfully requests that the Examiner reconsider and withdraw the rejections of the claims 19-34.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant submits that all of the claims are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue. The Examiner is invited to contact the undersigned at the telephone number listed below, if needed.

Respectfully submitted,
Michael LEBNER



Kevin M. Farrell
Reg. No. 35,505

June 4, 2007
Pierce Atwood, LLP
One New Hampshire Ave., Suite 350
Portsmouth, NH 03801
603-433-6300